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AO 91 (REV.5/85) Criminal Complaint

AUSA Derek Owens (312) 697-4071

~~THOMAS G. ELLIOT~~

CLERK, U.S. DISTRICT COURT UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

UNITED STATES OF AMERICA

MAGISTRATE JUDGE SCHENKIER

CRIMINAL COMPLAINT

v.

CASE NUMBER:

12 CR

986

KENNETH CONLEY and  
JOSEPH JOSE BANKS

I, the undersigned complainant, being duly sworn on oath, state that the following is true and correct to the best of my knowledge and belief: On or about December 18, 2012, at Chicago, in the Northern District of Illinois, Eastern Division, KENNETH CONLEY and JOSEPH JOSE BANKS, defendants herein:

while in custody by virtue of an arrest on a felony charge of bank robbery, in violation of Title 18, United States Code, Section 2113(a), knowingly escaped from the custody of an authorized representative of the Attorney General, and from custody under and by virtue of process issued under the laws of the United States by a magistrate judge, namely, a detention order from the United States District Court for the Northern District of Illinois;

in violation of Title 18 United States Code, Section 751(a). I further state that I am Special Agent with the Federal Bureau of Investigation, and that this complaint is based on the facts contained in the Affidavit which is attached hereto and incorporated herein.

\_\_\_\_\_  
Signature of Complainant  
MARK WALLSCHLAEGER  
Special Agent, Federal Bureau of Investigation

Sworn to before me and subscribed in my presence,

December 18, 2012

Date

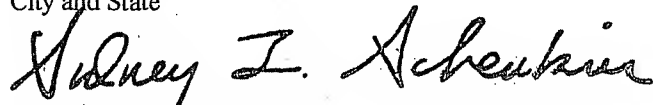
at

Chicago, Illinois

City and State

SIDNEY I. SCHENKIER, U.S. Magistrate Judge

Name & Title of Judicial Officer



\_\_\_\_\_  
Signature of Judicial Officer

UNITED STATES DISTRICT COURT            )  
  )  
NORTHERN DISTRICT OF ILLINOIS        )        ss

AFFIDAVIT

I, MARK WALLSCHLAEGER, being duly sworn, state as follows:

1.     I am a Special Agent with the Federal Bureau of Investigation, and have been so employed for more than 16 years. My current responsibilities include the investigation of violent crimes, including, among others, kidnaping, bank robbery, escape, and the apprehension of violent fugitives.

2.     This affidavit is made in support of a criminal complaint alleging that on or about December 18, 2012, KENNETH CONLEY (hereinafter "CONLEY") and JOSEPH JOSE BANKS (hereinafter "BANKS") escaped from the Metropolitan Correctional Center, a United States Bureau of Prisons facility, located at 71 West Van Buren Street, Chicago, Illinois, in violation of Title 18, United States Code, 751(a) and 2. Because this affidavit is being submitted for the limited purpose of establishing probable cause in support of a criminal complaint charging CONLEY and BANKS with escape, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that the defendants committed the offense alleged in the complaint.

3.     This affidavit is based on my personal knowledge based upon my participation in this investigation, documents and records I have read relating to this investigation, conversations I have had with other law enforcement agents who have knowledge of the

events and circumstances described herein, and interviews of witnesses.

**FACTS SUPPORTING PROBABLE CAUSE  
IN SUPPORT OF THE CRIMINAL COMPLAINT**

4. According to the criminal docket for case 08 CR 688 in the Northern District of Illinois, on September 8, 2008, BANKS was ordered detained in federal custody after he was charged in a criminal complaint with bank robbery, in violation of Title 18, United States Code, Section 2113(a). BANKS has remained in federal custody since September 8, 2008. According to the criminal docket, on December 13, 2012, BANKS was convicted by a jury of multiple counts of bank robbery, in violation of Title 18, United States Code, Section 2113(a). BANKS' sentencing hearing is set for March 26, 2013.

5. According to the criminal docket for case 11 CR 459 in the Northern District of Illinois, on September 29, 2011, CONLEY was ordered to be detained in federal custody after he was charged in a criminal complaint with bank robbery in violation of in violation of Title 18, United States Code, Section 2113(a). CONLEY has remained in federal custody since September 29, 2011. According to the criminal docket, on October 29, 2012, CONLEY entered a guilty plea to bank robbery, in violation of Title 18, United States Code, Section 2113(a). CONLEY'S sentencing hearing is set for January 10, 2013.

6. On December 17, 2012, both BANKS and CONLEY were being held in federal custody and housed together in a cell at the Metropolitan Correctional Center (hereinafter "MCC") in Chicago, Illinois. At approximately 10:00 p.m., a physical head count of the inmates in the tiers at the MCC was conducted, and both BANKS and CONLEY were present at the MCC on their assigned tier.

7. At approximately 7:00 a.m., as MCC employees were arriving at work, they observed what appeared to be a rope hanging from a window on the south side of the MCC building. A physical head count of the MCC inmates was then conducted, and MCC officers searched the cell to which both BANKS and CONLEY were assigned. Neither BANKS nor CONLEY was present in the cell. Both beds in the cell contained numerous articles of clothing and sheets that were collected together under a blanket, and appeared to be in the shape of a body. The window in the cell was broken and had a makeshift rope tied to its bars. The rope was hanging out of the window and down the side of the MCC building. Metal bars from the cell window were found in a mattress in the cell bed, and fake metal bars were also found in the cell. A search of the MCC was conducted and neither BANKS nor CONLEY were present in the facility.

### **CONCLUSION**

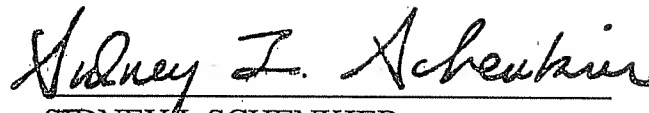
8. Based on the above information, there is probable cause to believe that on or about December 18, 2012, defendants KENNETH CONLEY and JOSEPH JOSE BANKS escaped from federal custody at the Metropolitan Correctional Center at 71 West Van Buren Street, Chicago, Illinois, in violation of Title 18, United States Code, Section 751.

FURTHER AFFIANT SAYETH NOT.

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MARK WALLSCHLAEGER  
Special Agent, Federal Bureau of Investigation

SUBSCRIBED AND SWORN to before me on December 18, 2012.

  
\_\_\_\_\_  
SIDNEY I. SCHENKIER  
United States Magistrate Judge